

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

AVRAHAM EISENBERG,  
Defendant.

23-cr-10 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

As the Court mentioned prior to trial, 7 U.S.C. § 13(a)(5) provides that “no person shall be subject to imprisonment under this paragraph for the violation of any rule or regulation if such person proves that he had no knowledge of such rule or regulation.” Defendant took the position that the issue of his knowledge of any rule or regulation did not need to be submitted to the jury. Dkt. 156 at 3:19–4:6. The parties can certainly address § 13(a)(5), if it is being asserted here, in their sentencing submissions. But the Court wanted to give the parties a heads up in case separate briefing or proceedings are needed with respect to this statute or the jury-trial issue in advance of sentencing. The parties should meet and confer and let the Court know if there is anything that needs to be attended to in the immediate term.

SO ORDERED.

Dated: July 1, 2024

New York, New York



ARUN SUBRAMANIAN  
United States District Judge